

SPEAKER NICHOL: Senator Higgins.

SENATOR HIGGINS: Mr. President, LB 86 was a bill that I introduced that I did not believe that anybody would be against because all this bill does is says let's put a minimum penalty on anyone who sexually assaults or assaults a handicapped person or the elderly. I am having passed out to you at this time a list showing you the present minimums for various offenses. You will notice first degree assault carries a one year minimum sentence. First degree sexual assault carries the same minimum so those people who wrote our Uniform Criminal Code law thought to assault a woman or a man is no different than to sexually assault them, and even second degree sexual assault, they said, there is no difference between second degree and first degree sexual assault or just first degree assault. The minimum is still one year and you will note from this list that second degree assault and third degree assault and third degree sexual assault have no minimums whatsoever. This is our Uniform Criminal Code law I understand. When this bill was killed in committee, I wish to point out that three of the five members voting against it have law degrees and some of the arguments I have heard against this bill have been, don't let's mess with the Criminal Code law. I would submit to you Senators that I am not touching their beautiful Criminal Code law. I am not changing at all the definition of assault or sexual assault. All I am pointing out is from the literature you have been receiving from me in the last four or five days, you have seen the number of assaults that have increased upon the elderly. 67 years old all the way up to 91 year old women raped and we have minimum penalties for things like that. That would be probably first degree sexual assault and the minimum if they caught the perpetrator that raped the 91 year old woman who subsequently died, the minimum he could have got was one year and he would have been out in eight months. Chief Justice Krivosha was here just last week with his state of the Judiciary message and he said tougher penalties do not reduce crime. Now who is this stupid little high school student to disagree with the Chief Justice of the State of Nebraska. I don't but I want to read you just one part of the Omaha World Herald editorial on February 18th and the headline says "Drunken Drivers On Notice. Legislatures and law enforcement officers are getting results in the battle against drunken driving. Tougher laws and stiffer enforcement apparently are helping to reduce the traffic death toll." And they close their editorial saying "Apparently the